

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI**

**v.  
DARRIS ARLANDO PEAL**

**RESPONDENT,**

**APPELLANT.**

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DOCKET NUMBER WD74527

DATE: March 19, 2013

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Appeal From:

Boone County Circuit Court  
The Honorable Kevin M.J. Crane, Judge

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Appellate Judges:

Division Three: Cynthia L. Martin, Presiding Judge, Joseph M. Ellis, Judge and Gary D. Witt,  
Judge

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Attorneys:

Jessica P. Meredith, Jefferson City, MO, for respondent.

Emmett D. Queener, Columbia, MO, for appellant.

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STATE OF MISSOURI,**

**RESPONDENT,**

**v.**

**DARRIS ARLANDO PEAL,**

**APPELLANT.**

No. WD74527

Boone County

Before Division Three: Cynthia L. Martin, Presiding Judge, Joseph M. Ellis, Judge and Gary D. Witt, Judge

Darris Peal appeals from the trial court's judgment convicting him of second degree (felony) murder after a jury trial. Peal claims that the trial court abused its discretion in allowing the State to introduce: (1) a video recording of Peal extracted from Peal's cell phone, (2) evidence that Peal was unemployed, and (3) a photo display of booking photographs of Peal and others with whom he was alleged to have acted in concert, because all of the aforesaid evidence was either character or uncharged bad acts evidence that had no relevance other than to improperly show Peal's propensity to commit the crimes with which he was charged.

Affirmed.

Division Three holds:

(1) Peal's characterization of the video and his status as unemployed as improper character or uncharged bad acts evidence is inaccurate. Said evidence demonstrates neither Peal's character nor prior uncharged bad acts. Said evidence was appropriately admitted if legally and logically relevant.

(2) The video was admitted to establish Peal's financial motive for committing the crimes with which he is charged. The logical relevance of the Video is self-evident. Peal had an obsession with obtaining money, and purported to be a part of the "Get Money Team," facts that tended to establish Peal's motive for robbing the Victim after he openly flashed cash. The Video was legally relevant in that we ascertain no inherently prejudicial effect from its admission.

(3) Peal was equally responsible for the admission of evidence of his unemployed status. Error in the admission of evidence invited by a defendant cannot form the basis of a claim of trial court error on appeal. Moreover, Peal's unemployment coupled with his obsession for money and his role in the "Get Money Team" were collectively probative to demonstrate that Peal had a motive to rob the Victim in concert with others.

(4) At trial, Peal's counsel agreed to permit the State to alter an offered display of booking photographs to address Peal's objection to their admission. Peal's counsel then affirmatively indicated he had "no objection" to the modified exhibit. When a party affirmatively states that it has no objection to the admission of evidence, plain error review is unavailable. In any event, booking photographs are considered neutral and do not, in and of themselves, constitute evidence of other crimes where inculpatory information is masked.

(5) Peal's motion to remand for a new trial or for a hearing due to newly discovered evidence is without merit. Peal did not demonstrate that a second gun discovered near the crime scene several months after his arrest is related to the crime, or is so material as to have likely produced a different result at trial. Moreover, the evidence is merely cumulative to similar evidence offered at trial.

Opinion by Cynthia L. Martin, Judge

March 19, 2013

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